

City of Nashua, NH
Tuesday, September 27, 2011

Article IV. Campaign Contributions

[NRO 1975, T. 2, §§ 601 to 604 (Secs. 7-56 to 7-59 of the 1985 Code)]

§ 23-16. Applicability.

[Amended 10-18-1977 by Ord. No. O-77-199; 4-22-1986 by Ord. No. O-86-19A; 12-26-2007 by Ord. No. O-07-128]

- A. This article is enacted in order to promote open and fair elections, to safeguard the integrity of the electoral process, to provide the electorate with information regarding the distribution of capital affecting candidates or issues in a campaign, and/or to deter actual or perceived corruption by exposing the source of large expenditures.
- B. The provisions of this article shall apply to of the offices of Mayor, Alderman at Large, Ward Alderman, Board of Education, Fire Commission and Board of Public Works, and to municipal ballot measures.

§ 23-17. Definitions.

[NRO 1975, T. 2, § 602; 10-18-1977 by Ord. No. O-77-199; 12-26-2007 by Ord. No. O-07-128]

Certain words and phrases, as used in this article, shall have the meaning given in this section:

BALLOT MEASURE

Any Charter amendment or question which is submitted or intended to be submitted to a popular vote at a municipal election.

CANDIDATE

Any duly nominated person, and any person announcing as a write-in candidate and for whom votes are sought in that election.

COMMUNICATION

Includes, but is not limited to, publication in any newspaper or other periodical or on any Internet site, broadcasting on radio, television, or over any public address system, transmission by telephone or facsimile, placement on any billboards, outdoor facilities, window displays, posters, cards, pamphlets, leaflets, flyers, or other circulars, or in any direct mailing.

ELECTION

Any special, regular or run-off municipal election.

ITEMS OF VALUE

Any service or property, real or personal, being of a tangible nature, except the personal services or labors of volunteers who are not compensated therefor.

PERSON

Includes a natural person, corporation, company, partnership, firm, association, organization, society, labor union, business trust, trust, financial institution, or any other group, organization or entity of any nature.

POLITICAL COMMITTEE

Any organization of two or more persons to influence elections or ballot measures.

§ 23-17.1. Registration of Political Committee.

[Added 12-26-2007 by Ord. No. O-07-128]A political committee shall register with the City Clerk not later than 24 hours before making or contracting for any expenditure relative to the municipal election for which the political committee is organized. The committee shall file with the City Clerk a statement of the purpose of the political committee and a statement of the name, address, occupation and principal place of business, of its chairman, treasurer and other officers.

§ 23-18. Publication.

[NRO 1975, T. 2, § 603; 10-18-1977 by Ord. No. O-77-199; 4-22-1986 by Ord. No. O-86-19A; 12-26-2007 by Ord. No. O-07-128; 2-24-2009 by Ord. No. O-08-49]

- A. Each political committee that receives contributions or makes expenditures for the purpose of influencing the election of any candidate, and each person or political committee that receives contributions or makes expenditures for the purpose of influencing any ballot measure or referendum question shall file statements with the City Clerk detailing each receipt and expenditure, covering both the amount and source thereof, including dates, names and addresses of contributors. In cases where receipts from any one person total \$10 or less, the receipt will be entered by amount only.

[Amended 5-26-2009 by Ord. No. O-09-60]

- B. Each candidate shall file statements with the City Clerk detailing each receipt and expenditure, covering both the amount and source thereof, including dates, names and addresses of contributors. In cases where receipts from any one person total \$10 or less, the receipt will be entered by amount only. In cases where there are no receipts or expenditures, the filing shall state that fact.
- C. Statements of receipts and expenditures relative to a municipal election shall cover the period expiring two days prior to the filing of the statements, which shall be filed 20 days prior to the election, and again on October 1 following a mayoral primary election held on the second Tuesday of September under Charter Section 5a; on December 1 following a municipal election held on the first Tuesday following the first Monday in November; or 30 days following a special municipal election.

[Amended 3-22-2011 by Ord. No. O-11-59]

- D. Any office holder who during the year shall have received any item of value, not a campaign receipt, shall file a statement with the City Clerk detailing each such receipt, including the value, date, and name and address of the contributor thereof, in accordance with Chapter 23, Article VI, Gifts, Testimonials, Honorariums.

[Amended 3-22-2011 by Ord. No. O-11-59]

- E. Filings shall be in a form determined by the City Clerk. Filings may be submitted electronically, including by electronic mail, facsimile transmission or any other method approved by the City Clerk. However, electronic filers are responsible for ensuring that the

City Clerk has received such reports within the time required.

- F. Statements shall become public information immediately upon filing. Copies may be furnished on request, and upon payment of reproduction costs to the City Clerk. The City Clerk shall post a copy of the statements required under Subsections A, B and C on the Internet within three business days of the filing deadline, for a period of no less than four years.

§ 23-18.1. Surplus campaign contributions.

[Added 12-26-2007 by Ord. No. O-07-128] Surplus campaign contributions may be used after a general or special election for fund raising activities and for other politically related activity sponsored by the candidate, or for donations to charitable organizations. Such surplus campaign contributions, however, shall not be used for personal purposes.

§ 23-18.2. Continued filings required.

[Added 3-22-2011 by Ord. No. O-11-59] Any political committee or candidate which has any outstanding debt, obligation, or surplus following the second campaign receipt and expenditure report for a municipal election shall file reports by June 1 and December 1 of each year following said election in the same form as in § 23-18E until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed; provided, however, that a political committee or candidate may amend, update, or submit a final report at additional times other than those required under this section.

§ 23-19. Violations and penalties.

[NRO 1975, T. 2, § 604; 10-18-1977 by Ord. No. O-77-199; 12-26-2007 by Ord. No. O-07-128]

- A. It shall be unlawful for any candidate, person, or political committee to try to circumvent the filing of an item of value larger than \$10 by any means. Any candidate, person, or political committee having been found guilty of such a circumvention shall be guilty of failing to comply.
- B. Any candidate, person, or political committee failing to comply with the provisions of this article shall, upon conviction, be guilty of a violation, and fined not more than \$100 for each day that lack of compliance exists. Each day that lack of compliance exists shall constitute a separate offense.